

12 -03 -08

JFC



Ober, Kaler, Grimes & Shriner
Attorneys at Law

DEC 02 2008

120 East Baltimore Street
Baltimore, MD 21202-1643
410-685-1120 / Fax 410-547-0699
www.ober.com

VIA EXPRESS MAIL NO.:
To The Honorable Commissioner
of Patents and Trademarks
Mail Stop Non-Fee Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

(EM158856457US)

Re: **Amendment filed for U.S. Patent Application 10/580,697 for "METHOD AND APPARATUS FOR ULTRASONIC DETERMINATION OF HEMATOCRIT AND HEMOGLOBIN CONCENTRATION"; Filed: April 17, 2007; Inventor: Corey, Francis et al.**

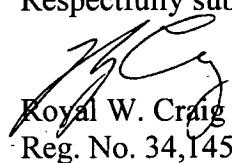
Dear Sir:

Enclosed please find the following:

1. Response to the Notice of Non-Compliant Amendment dated November 28, 2008; and
2. Our post card. Please date stamp and return.

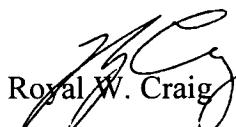
Please charge any deficit or any unanticipated fees to our Deposit Account 50-3391 and post the following as the attorney docket number: **027027.077175** (a duplicate copy of this charge authorization is attached.) Thank you for your cooperation and assistance.

Respectfully submitted,

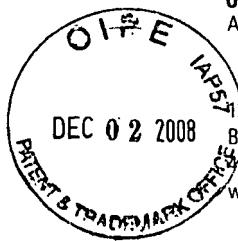


Royal W. Craig
Reg. No. 34,145

I HEREBY CERTIFY that on December 2, 2008, one copy of the above-referenced documents were deposited with the United States Postal Service for delivery via Express Mail to the United States Patent and Trademark Office.



Royal W. Craig



Ober, Kaler, Grimes & Shriver
Attorneys at Law

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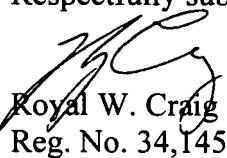
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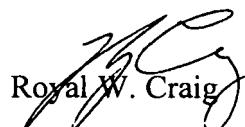
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Royal W. Craig

027027,
PCT-US-3-57I



UNITED STATES PATENT AND TRADEMARK OFFICE



11/28/2008

OBER, KALER, GRIMES & SHRIVER
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BALTIMORE, MD 21202-1643

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
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Paper No.

Application No.:	10/580,697	Date Mailed:	11/28/2008
First Named Inventor:	Corey, Francis, Scott	Examiner:	SHAH, SAMIR M
Attorney Docket No.:		Art Unit:	2856
Confirmation No.:	5413	Filing Date:	04/17/2007

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

**Notice of Non-Compliant Amendment
(37 CFR 1.121)**

Application No.
10/580,697

Applicant(s)
COREY ET AL.

Art Unit
1700

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

The amendment document filed on 20 October, 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____.
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____.
- 3. Amendments to the drawings:
 - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - C. Other _____.
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: Amended should read currently amended.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable ROSA HOLLAND/

Telephone No: (571)272-1019



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Corey, Francis Scott et al. Examiner: Shah, Samir M.

Appln. No. 10/580,697 Art Unit: 2856

Filed: 04/17/2007

For: METHOD AND APPARATUS FOR ULTRASONIC DETERMINATION OF
HEMATOCRIT AND HEMOGLOBIN CONCENTRATION

* * *

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

The Honorable Commissioner
of Patents and Trademarks
Box Non-Fee Amendment
Washington, DC 20231

Sir:

Responsive to the Notice of Non-Compliant Amendment dated November 28, 2008, the following corrected section—Amendments to the Claims—replaces the non-complaint section filed October 20, 2008: